

Message Text

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E.O. 11652: N/A

TAGS: CPRS, EFIN, RO

SUBJECT: DECREE 223 PROPERTY CASES

REF: STATE 173439

1. GEORGE NICULESCU, FINANCE MINISTRY DIRECTOR,
REQUESTED MEETING WITH ECON COUNSELOR JULY 11 TO DISCUSS
COMPENSATION FOR THREE PROPERTY CASES PRESENTED IN
AMBASSADOR'S MARCH 17 LETTER. NICULESCU RECALLED
DEPUTY MINISTER'S CONVERSATION WITH AMBASSADOR ON
JUNE 28 (BUCHAREST 4539) AND SAID THAT AS PROMISED,
GOR WAS NOW IN POSITION TO MAKE SPECIFIC OFFERS TO
VIOLA STROE, JOHN ASTALIS AND MARY MUNTEAN. THE OFFERS
ARE: 144,333 LEI TO MUNTEAN; 88,801 LEI TO ASTALIS;
AND 27,470 LEI TO STROE. THESE TOTAL AMOUNTS INCLUDE
ANY COMPENSATION PREVIOUSLY OFFERED AND TAKEN (AS IN
CASE OF MUNTEAN WHO TOOK 40,000 LEI) OR OFFERED BUT NOT
TAKEN AND CONSEQUENTLY PLACED IN SAVINGS ACCOUNT IN
ROMANIA (MR. ASTALIS NEVER ACCEPTED 20,000 LEI
OFFERED). THUS, CONCRETELY, MRS. MUNTEAN IS BEING
OFFERED AN ADDITIONAL 104,333 LEI, WHILE MR. ASTALIS IS
BEING OFFERED 68,801 LEI IN ADDITION TO THE 20,000
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LEI PRESENTLY HELD IN SAVINGS BANK IN HIS NAME.
NICULESCU EXPLAINED THAT THE COMPENSATION OFFERED COULD
BE REPATRIATED, IN LEI OR IN DOLLARS. IT IS HIS
UNDERSTANDING THAT THE CONVERSION RATE WOULD BE AT THE
RATE OF 12 LEI TO THE DOLLAR.

2. IF THE OFFERS ARE ACCEPTABLE TO THE CLAIMANTS, THE

GOR, TO EFFECT PAYMENT, WILL REQUIRE:

1. A LEGAL CERTIFICATE ATTESTING TO THE NATURALIZATION OF US NATIONAL INCLUDING DATE OF NATURALIZATION;
2. A SWORN STATEMENT FROM THE CLAIMANT, EXPRESSING THE DESIRED FORM OF PAYMENT -- IN DOLLARS OR IN LEI; AND WHETHER HE WISHES IT IN LUMP SUM OR INSTALLMENTS. THE STATEMENT SHOULD ALSO CONTAIN LANGUAGE IN WHICH CLAIMANT RENOUNCES FURTHER OR FUTURE CLAIMS AGAINST GOR FOR THE PROPERTY IN QUESTION.

3. NICULESCU RAISED HYPOTHETICAL QUESTION RE POSSIBILITY THAT RELATIVES OF EXISTING CLAIMANTS MIGHT IN THEIR TURN BRING FURTHER CLAIMS FOR COMPENSATION ON THE SAME PROPERTY. HE SPECIFICALLY MENTIONED THE MUNTEAN CASE IN WHICH MRS. MUNTEAN'S SONE MIGHT BASE A CLAIM ON INHERITANCE RIGHTS FROM HIS FATHER.

AGAIN HYPOTHETICALLY, NICULESCU INQUIRED WHETHER IT MIGHT NOT BE POSSIBLE FOR THE CLAIMANT, IN THE SWORN STATEMENT REFERRED TO ABOVE, TO RENOUNCE ANY OR ALL FUTURE CLAIMS ON THE PROPERTY BY ALL OTHER OR THIRD PARTIES.

4. ECON COUNSELOR REPLIED TO THIS LAST POINT THAT THE QUESTION WOULD BE REFERRED TO LAWYERS IN WASHINGTON FOR CONSIDERATION. NICULESCU THEN LIMITED OFFICIAL USE

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INQUIRED AS TO THE PREFERRED MEANS FOR HANDLING COMMUNICATION OF THE OFFERS OF COMPENSATION. IT WAS AGREED THAT IN THE THREE CASES BEING DEALT WITH NOW, US EMBASSY WOULD COMMUNICATE WITH THE DEPARTMENT OF STATE WHICH IN TURN WOULD COMMUNICATE DIRECTLY WITH CLAIMANTS. IN FUTURE CASES, THE MODALITY FOR COMMUNICATING OFFERS AND ARRANGING SETTLEMENT WOULD BE REVIEWED.

5. NICULESCU STRESSED THE NEED FOR CONFIDENTIALITY IN HANDLING OF COMPENSATION OFFERS AND ACTUAL SETTLEMENTS. ECON COUNSELOR DREW ON REFTEL TO EXPLAIN THAT DEPARTMENT OF STATE WILL DO EVERYTHING POSSIBLE TO MINIMIZE PUBLICITY. IT WAS POINTED OUT, HOWEVER, THAT DUE TO HIGH CONGRESSIONAL INTEREST IN SOME INDIVIDUAL CASES, INDIVIDUAL CONGRESSMEN WOULD OF COURSE BE INFORMED OF THE COMPENSATION OFFERS IN CASES OF INTEREST TO THEM. REFERENCE WOULD NOT NECESSARILY BE MADE IN CONVERSATIONS WITH CONGRESS TO THE MORE GENERAL AGREEMENT TO CONSIDER COMPENSATION ABOVE THE LEVELS ESTABLISHED IN DECREE 223.

6. COMMENT: ALTHOUGH IT WILL REMAIN FOR THE CLAIMANTS TO DECIDE ON THE QUESTION OF ADEQUACY OF THE OFFERS MADE, EMBASSY BELIEVES THAT IT IS UNLIKELY THAT THE GOR AND JUDETS AUTHORITIES COULD BE PRESSED TO MAKE MORE GENEROUS OFFERS. AN IMPORTANT PRINCIPLE HAS BEEN ESTABLISHED -- THE WILLINGNESS OF THE GOR TO MAKE OFFERS BEYOND THE LEVELS ESTABLISHED IN LAW. IT IS CLEAR THAT THE GOR WILL GIVE THOROUGH CONSIDERATION TO OTHER CLAIMS BEING PRESSED IN ADDITION TO THE THREE CLAIMS IN QUESTIONS. WITHOUT HAVING IN HAND ALL OF THE FACTS, THE EMBASSY IS OF THE VIEW THAT THE OFFERS OF COMPENSATION TO MUNTEAN AND ASTALIS MAY BE VIEWED BY THEM AS FAIR. NICULESCU CLAIMED THAT THE STROE PROPERTY IS VERY MODEST, BEING COMPRISED OF LIMITED OFFICIAL USE

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ONE ROOM, A KITCHEN AND SOME SORT OF LEAN-TO. EMBASSY DOUBTS THAT GOR OFFERS ARE NEGOTIABLE. AGGREY

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